

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 379**

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**Introduced by Assembly Member Gordon**

February 18, 2015

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An act to amend Sections ~~48850~~, 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of the Education Code, relating to foster youth.

### LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Gordon. Foster youth: complaint of noncompliance.

~~(1) Existing law states the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined, have a meaningful opportunity to meet state pupil academic achievement standards, and requires educators, juvenile courts, and certain other persons to work together to, among other things, ensure that each pupil has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. Existing law requires a foster child who changes residences pursuant to a court order or decision of a child welfare worker or a homeless child or youth to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.~~

~~This bill would authorize the filing of a complaint of noncompliance with the latter provision to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of the provision relating to foster and homeless children and youth residency requirements for participation in interscholastic sports or other extracurricular activities to be included in a specified~~

~~annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.~~

~~(2)~~

(1) Existing law requires certain pupils placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless a specified condition applies. Existing law authorizes certain foster children living in emergency shelters to receive educational services at the emergency shelter as necessary for short periods of time for specified reasons. Existing law requires that all educational and school placement decisions be based on the best interests of the child.

This bill would specify that the short period of time described above not exceed 5 schooldays. The bill would specify that all educational and school placement decisions are required to be based on the best interests of the child as determined by the parent or guardian, or other person holding the right to make educational decisions for the pupil. The bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would require ~~a pupil to be awarded~~ compensatory educational services *to be awarded to a pupil* if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, as specified. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

~~(3)~~

(2) Existing law requires each local educational agency, as defined, to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would require ~~a pupil to be awarded~~ compensatory educational services *to be awarded to a pupil* if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to immediate enrollment or a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding the request of a foster child to remain in the school of origin, as specified. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(4)

(3) Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including, among other things, full or partial credits earned and current classes and grades, and to deliver the educational information and records of the pupil to the next educational placement.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of these provisions relating to the transfer of pupils in foster care between schools to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(5)

(4) Existing law requires a school district, except as provided, to exempt a pupil in foster care, as defined, or a pupil who is a homeless child or youth, as defined, who transfers between schools any time after the completion of the pupil's 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to certain statewide coursework requirements. Existing law requires the school district to notify specified individuals, including a pupil in foster care or a pupil who is a homeless

child or youth, within 30 calendar days of the date that the pupil who may qualify for the exemption from local graduation requirements transfers into a school, that the pupil qualifies for that exemption.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would also require information regarding the requirements of these provisions relating to exempting certain pupils from specified coursework to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(6)

(5) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care or a pupil who is a homeless child while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and requires the school district and county office of education to issue the pupil full or partial credit for the coursework completed. Existing law requires those credits accepted to be applied to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, or nonpublic, nonsectarian school or agency.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of these provisions relating to the requirement that local educational agencies accept coursework satisfactorily completed by certain pupils, as specified, to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(7)

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1.— Section 48850 of the Education Code is amended  
2 to read:

3     48850. (a) (1) It is the intent of the Legislature to ensure that  
4 all pupils in foster care and those who are homeless, as defined by  
5 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
6 Sec. 11301 et seq.), have a meaningful opportunity to meet the  
7 challenging state pupil academic achievement standards to which  
8 all pupils are held. In fulfilling their responsibilities to these pupils,  
9 educators, county placing agencies, care providers, advocates, and  
10 the juvenile courts shall work together to maintain stable school  
11 placements and to ensure that each pupil is placed in the least  
12 restrictive educational programs, and has access to the academic  
13 resources, services, and extracurricular and enrichment activities  
14 that are available to all pupils, including, but not necessarily limited  
15 to, interscholastic sports administered by the California  
16 Interscholastic Federation. In all instances, educational and school  
17 placement decisions shall be based on the best interests of the child  
18 and shall consider, among other factors, educational stability and  
19 the opportunity to be educated in the least restrictive educational  
20 setting necessary to achieve academic progress.

21     (2) A foster child who changes residences pursuant to a court  
22 order or decision of a child welfare worker or a homeless child or  
23 youth shall be immediately deemed to meet all residency  
24 requirements for participation in interscholastic sports or other  
25 extracurricular activities.

26     (A) A complaint of noncompliance with the requirements of  
27 this paragraph may be filed with the local educational agency under  
28 the Uniform Complaint Procedures set forth in Chapter 5.1  
29 (commencing with Section 4600) of Division 1 of Title 5 of the  
30 California Code of Regulations.

31     (B) A complainant not satisfied with the decision of a local  
32 educational agency may appeal the decision to the department  
33 pursuant to Chapter 5.1 (commencing with Section 4600) of

1 Division 1 of Title 5 of the California Code of Regulations and  
2 shall receive a written decision regarding the appeal within 60  
3 days of the department's receipt of the appeal.

4 (C) Information regarding the requirements of this subdivision  
5 shall be included in the annual notification distributed to, among  
6 others, pupils, parents or guardians of pupils, employees, and other  
7 interested parties pursuant to Section 4622 of Title 5 of the  
8 California Code of Regulations.

9 (3) (A) Pursuant to the federal McKinney-Vento Homeless  
10 Assistance Act (42 U.S.C. Sec. 11301 et seq.), public schools,  
11 including charter schools, and county offices of education shall  
12 immediately enroll a homeless child or youth seeking enrollment  
13 except where the enrollment would be in conflict with subdivision  
14 (d) of Section 47605.

15 (B) The department and the State Department of Social Services  
16 shall identify representatives from the department, the State  
17 Department of Social Services, and other state agencies that have  
18 experience in homeless youth issues to develop policies and  
19 practices to support homeless children and youths and to ensure  
20 that child abuse and neglect reporting requirements do not create  
21 barriers to the school enrollment and attendance of homeless  
22 children or youths, including, but not limited to, ensuring that a  
23 pupil who is a homeless child or youth is not reported to law  
24 enforcement by school personnel if the sole reason for the report  
25 is the pupil's homelessness. The selected representatives shall  
26 present the policies and practices to the Superintendent and the  
27 State Department of Social Services to be considered for  
28 implementation or dissemination, as appropriate.

29 (b) Every county office of education shall make available to  
30 agencies that place children in licensed children's institutions  
31 information on educational options for children residing in licensed  
32 children's institutions within the jurisdiction of the county office  
33 of education for use by the placing agencies in assisting parents  
34 and foster children to choose educational placements.

35 (c) For purposes of individuals with exceptional needs residing  
36 in licensed children's institutions, making a copy of the annual  
37 service plan, prepared pursuant to subdivision (b) of Section 56205,  
38 available to those special education local plan areas that have  
39 revised their local plans pursuant to Section 56836.03 shall meet  
40 the requirements of subdivision (b).

1     ~~(d) For purposes of this section, “homeless child or youth” and~~  
2     ~~“homeless children and youths” are defined in Section 11434a(2)~~  
3     ~~of Title 42 of the United States Code.~~

4     ~~SEC. 2.~~

5     SECTION 1. Section 48853 of the Education Code is amended  
6     to read:

7     48853. (a) A pupil described in subdivision (a) of Section  
8     48853.5 who is placed in a licensed children’s institution or foster  
9     family home shall attend programs operated by the local  
10    educational agency, unless one of the following applies:

11    (1) The pupil is entitled to remain in his or her school of origin  
12    pursuant to paragraph (1) of subdivision (d) of Section 48853.5.

13    (2) The pupil has an individualized education program requiring  
14    placement in a nonpublic, nonsectarian school or agency, or in  
15    another local educational agency.

16    (3) The parent or guardian, or other person holding the right to  
17    make educational decisions for the pupil pursuant to Section 361  
18    or 726 of the Welfare and Institutions Code or Section 56055,  
19    determines that it is in the best interests of the pupil to be placed  
20    in another educational program, in which case the parent or  
21    guardian or other person holding the right to make educational  
22    decisions for the pupil shall provide a written statement that he or  
23    she has made that determination to the local educational agency.  
24    This statement shall include a declaration that the parent, guardian,  
25    or other person holding the right to make educational decisions  
26    for the pupil is aware of all of the following:

27    (A) The pupil has a right to attend a regular public school in the  
28    least restrictive environment.

29    (B) The alternate education program is a special education  
30    program, if applicable.

31    (C) The decision to unilaterally remove the pupil from the  
32    regular public school and to place the pupil in an alternate  
33    education program may not be financed by the local educational  
34    agency.

35    (D) Any attempt to seek reimbursement for the alternate  
36    education program may be at the expense of the parent, guardian,  
37    or other person holding the right to make educational decisions  
38    for the pupil.

39    (b) For purposes of ensuring a parent, guardian, or other person  
40    holding the right to make educational decisions for the pupil is

1 aware of the information described in subparagraphs (A) to (D),  
2 inclusive, of paragraph (3) of subdivision (a), the local educational  
3 agency may provide him or her with that information in writing.

4 (c) Before any decision is made to place a pupil in a juvenile  
5 court school as defined by Section 48645.1, a community school  
6 as described in Sections 1981 and 48660, or other alternative  
7 educational setting, the parent or guardian, or person holding the  
8 right to make educational decisions for the pupil pursuant to  
9 Section 361 or 726 of the Welfare and Institutions Code or Section  
10 56055, shall first consider placement in the regular public school.

11 (d) If any dispute arises as to the school placement of a pupil  
12 subject to this section, the pupil has the right to remain in his or  
13 her school of origin, as defined in subdivision (e) of Section  
14 48853.5, pending resolution of the dispute. The dispute shall be  
15 resolved in accordance with the existing dispute resolution process  
16 available to any pupil served by the local educational agency.

17 (e) This section does not supersede other laws that govern pupil  
18 expulsion.

19 (f) This section does not supersede any other law governing the  
20 educational placement in a juvenile court school, as defined by  
21 Section 48645.1, of a pupil detained in a county juvenile hall, or  
22 committed to a county juvenile ranch, camp, forestry camp, or  
23 regional facility.

24 (g) (1) Foster children living in emergency shelters, as  
25 referenced in the federal McKinney-Vento Homeless Assistance  
26 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational  
27 services at the emergency shelter as necessary for short periods of  
28 time, not to exceed five schooldays, for either of the following  
29 reasons:

30 (A) For health and safety emergencies.

31 (B) To provide temporary, special, and supplementary services  
32 to meet the child's unique needs if a decision regarding whether  
33 it is in the child's best interests to attend the school of origin cannot  
34 be made promptly, it is not practical to transport the child to the  
35 school of origin, and the child would otherwise not receive  
36 educational services.

37 (2) The educational services may be provided at the shelter  
38 pending a determination by the person holding the right regarding  
39 the educational placement of the child.



(h) All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child as determined by the parent or guardian, or other person holding the right to make educational decisions for the pupil.

(i) (1) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(A) Within five schooldays of receiving a complaint alleging a violation of a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, pursuant to subdivision (d), the local educational agency shall conduct a complete investigation and prepare a written local educational agency decision. The investigation and decision shall comply with the requirements of subdivisions (b) to (d), inclusive, ~~of of~~, and paragraphs (1) to (7), inclusive, of subdivision (e) ~~of of~~, Section 4631 of Title 5 of the California Code of Regulations.

(B) All other complaints of noncompliance with the requirements of this section shall be investigated and determined by the local educational agency in accordance with the timelines provided in Section 4631 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(A) If the complainant appeals a local educational agency decision regarding an alleged violation of a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, pursuant to subdivision (d), the department shall issue a written decision regarding the appeal within 30 days of the department's receipt of the appeal.

(B) For all other appeals from local educational agency decisions related to this section, the department shall issue a written decision

1 regarding the appeal within 60 days of the department's receipt of  
2 the appeal.

3 (3) If a decision of either the local educational agency or the  
4 department determines that the local educational agency has  
5 violated a pupil's right to remain in his or her school of origin  
6 pending resolution of a dispute regarding school placement,  
7 pursuant to subdivision (d), and that violation has interrupted the  
8 pupil's school attendance, the pupil shall be awarded compensatory  
9 educational services.

10 (4) Information regarding the requirements of this section shall  
11 be included in the annual notification distributed to, among others,  
12 pupils, parents or guardians of pupils, employees, and other  
13 interested parties pursuant to Section 4622 of Title 5 of the  
14 California Code of Regulations.

15 ~~SEC. 3.~~

16 *SEC. 2.* Section 48853.5 of the Education Code is amended to  
17 read:

18 48853.5. (a) This section applies to a foster child. "Foster  
19 child" means a child who has been removed from his or her home  
20 pursuant to Section 309 of the Welfare and Institutions Code, is  
21 the subject of a petition filed under Section 300 or 602 of the  
22 Welfare and Institutions Code, or has been removed from his or  
23 her home and is the subject of a petition filed under Section 300  
24 or 602 of the Welfare and Institutions Code.

25 (b) Each local educational agency shall designate a staff person  
26 as the educational liaison for foster children. In a school district  
27 that operates a foster children services program pursuant to Chapter  
28 11.3 (commencing with Section 42920) of Part 24 of Division 3,  
29 the educational liaison shall be affiliated with the local foster  
30 children services program. The educational liaison shall do all of  
31 the following:

32 (1) Ensure and facilitate the proper educational placement,  
33 enrollment in school, and checkout from school of foster children.

34 (2) Assist foster children when transferring from one school to  
35 another school or from one school district to another school district  
36 in ensuring proper transfer of credits, records, and grades.

37 (c) If so designated by the superintendent of the local educational  
38 agency, the educational liaison shall notify a foster child's attorney  
39 and the appropriate representative of the county child welfare  
40 agency of pending expulsion proceedings if the decision to

1 recommend expulsion is a discretionary act, pending proceedings  
2 to extend a suspension until an expulsion decision is rendered if  
3 the decision to recommend expulsion is a discretionary act, and,  
4 if the foster child is an individual with exceptional needs, pending  
5 manifestation determinations pursuant to Section 1415(k) of Title  
6 20 of the United States Code if the local educational agency has  
7 proposed a change in placement due to an act for which the  
8 decision to recommend expulsion is at the discretion of the  
9 principal or the district superintendent of schools.

10 (d) This section does not grant authority to the educational  
11 liaison that supersedes the authority granted under state and federal  
12 law to a parent or legal guardian retaining educational rights, a  
13 responsible adult appointed by the court to represent the child  
14 pursuant to Section 361 or 726 of the Welfare and Institutions  
15 Code, a surrogate parent, or a foster parent exercising the authority  
16 granted under Section 56055. The role of the educational liaison  
17 is advisory with respect to placement decisions and determination  
18 of the school of origin.

19 (e) (1) At the initial detention or placement, or any subsequent  
20 change in placement of a foster child, the local educational agency  
21 serving the foster child shall allow the foster child to continue his  
22 or her education in the school of origin for the duration of the  
23 jurisdiction of the court.

24 (2) If the jurisdiction of the court is terminated before the end  
25 of an academic year, the local educational agency shall allow a  
26 former foster child who is in kindergarten or any of grades 1 to 8,  
27 inclusive, to continue his or her education in the school of origin  
28 through the duration of the academic school year.

29 (3) (A) If the jurisdiction of the court is terminated while a  
30 foster child is in high school, the local educational agency shall  
31 allow the former foster child to continue his or her education in  
32 the school of origin through graduation.

33 (B) For purposes of this paragraph, a school district is not  
34 required to provide transportation to a former foster child who has  
35 an individualized education program that does not require  
36 transportation as a related service and who changes residence but  
37 remains in his or her school of origin pursuant to this paragraph,  
38 unless the individualized education program team determines that  
39 transportation is a necessary related service.

(4) To ensure that the foster child has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, if the foster child is transitioning between school grade levels, the local educational agency shall allow the foster child to continue in the school district of origin in the same attendance area, or, if the foster child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.

(5) Paragraphs (2), (3), and (4) do not require a school district to provide transportation services to allow a foster child to attend a school or school district, unless otherwise required under federal law. This paragraph does not prohibit a school district from, at its discretion, providing transportation services to allow a foster child to attend a school or school district.

(6) The educational liaison, in consultation with, and with the agreement of, the foster child and the person holding the right to make educational decisions for the foster child, may recommend, in accordance with the foster child's best interests, that the foster child's right to attend the school of origin be waived and the foster child be enrolled in a public school that pupils living in the attendance area in which the foster child resides are eligible to attend.

(7) Before making a recommendation to move a foster child from his or her school of origin, the educational liaison shall provide the foster child and the person holding the right to make educational decisions for the foster child with a written explanation stating the basis for the recommendation and how the recommendation serves the foster child's best interest.

(8) (A) If the educational liaison, in consultation with the foster child and the person holding the right to make educational decisions for the foster child, agrees that the best interests of the foster child would best be served by his or her transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school.

(B) The new school shall immediately enroll the foster child even if the foster child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including,

1 but not limited to, records or other proof of immunization history  
2 pursuant to Chapter 1 (commencing with Section 120325) of Part  
3 2 of Division 105 of the Health and Safety Code, proof of  
4 residency, other documentation, or school uniforms.

5 (C) Within two business days of the foster child's request for  
6 enrollment, the educational liaison for the new school shall contact  
7 the school last attended by the foster child to obtain all academic  
8 and other records. The last school attended by the foster child shall  
9 provide all required records to the new school regardless of any  
10 outstanding fees, fines, textbooks, or other items or moneys owed  
11 to the school last attended. The educational liaison for the school  
12 last attended shall provide all records to the new school within two  
13 business days of receiving the request.

14 (9) If a dispute arises regarding the request of a foster child to  
15 remain in the school of origin, the foster child has the right to  
16 remain in the school of origin pending resolution of the dispute.  
17 The dispute shall be resolved in accordance with the existing  
18 dispute resolution process available to a pupil served by the local  
19 educational agency.

20 (10) The local educational agency and the county placing agency  
21 are encouraged to collaborate to ensure maximum use of available  
22 federal moneys, explore public-private partnerships, and access  
23 any other funding sources to promote the well-being of foster  
24 children through educational stability.

25 (11) It is the intent of the Legislature that this subdivision shall  
26 not supersede or exceed other laws governing special education  
27 services for eligible foster children.

28 (f) For purposes of this section, "school of origin" means the  
29 school that the foster child attended when permanently housed or  
30 the school in which the foster child was last enrolled. If the school  
31 the foster child attended when permanently housed is different  
32 from the school in which the foster child was last enrolled, or if  
33 there is some other school that the foster child attended with which  
34 the foster child is connected and that the foster child attended  
35 within the immediately preceding 15 months, the educational  
36 liaison, in consultation with, and with the agreement of, the foster  
37 child and the person holding the right to make educational decisions  
38 for the foster child, shall determine, in the best interests of the  
39 foster child, the school that shall be deemed the school of origin.

(g) This section does not supersede other law governing the educational placements in juvenile court schools, as described in Section 48645.1, by the juvenile court under Section 602 of the Welfare and Institutions Code.

(h) (1) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(A) Within five schooldays of receiving a complaint alleging a violation of a pupil's right to immediate enrollment pursuant to paragraph (8) of subdivision (e), the local educational agency shall conduct a complete investigation and prepare a written local educational agency decision. The investigation and decision shall comply with the requirements of subdivisions (b) to (d), inclusive, ~~of of~~, and paragraphs (1) to (7), inclusive, of subdivision (e) ~~of of~~, Section 4631 of Title 5 of the California Code of Regulations.

(B) Within five schooldays of receiving a complaint alleging a violation of a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding the request of a foster child to remain in the school of origin, pursuant to paragraph (9) of subdivision (e), the local educational agency shall conduct a complete investigation and prepare a written local educational agency decision. The investigation and decision shall comply with the requirements of subdivisions (b) to (d), inclusive, ~~of of~~, and paragraphs (1) to (7), inclusive, of subdivision (e) ~~of of~~, Section 4631 of Title 5 of the California Code of Regulations.

(C) All other complaints of noncompliance with the requirements of this section shall be investigated and determined by the local educational agency in accordance with the timelines provided in Section 4631 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(A) If the complainant appeals a local educational agency decision regarding an alleged violation of the right to immediate enrollment pursuant to paragraph (8) of subdivision (e), the

1 department shall issue a written decision regarding the appeal  
2 within 30 days of the department's receipt of the appeal.

3 (B) If the complainant appeals a local educational agency  
4 decision regarding an alleged violation of a pupil's right to remain  
5 in his or her school of origin pending resolution of a dispute  
6 regarding the request of a foster child to remain in the school of  
7 origin, pursuant to paragraph (9) of subdivision (e), the department  
8 shall issue a written decision regarding the appeal within 30 days  
9 of the department's receipt of the appeal.

10 (C) For all other appeals from local educational agency decisions  
11 related to this section, the department shall issue a written decision  
12 regarding the appeal within 60 days of the department's receipt of  
13 the appeal.

14 (3) If a decision of either the local educational agency or the  
15 department determines that the local educational agency has  
16 violated a pupil's right to immediate enrollment, pursuant to  
17 paragraph (8) of subdivision (e), or has violated a pupil's right to  
18 remain in his or her school of origin pending resolution of a dispute  
19 regarding the request of a foster child to remain in the school of  
20 origin, pursuant to paragraph (9) of subdivision (e), and that  
21 violation has interrupted the pupil's school attendance, the pupil  
22 shall be awarded compensatory educational services.

23 (4) Information regarding the requirements of this section shall  
24 be included in the annual notification distributed to, among others,  
25 pupils, parents or guardians of pupils, employees, and other  
26 interested parties pursuant to Section 4622 of Title 5 of the  
27 California Code of Regulations.

28 ~~SEC. 4.~~

29 *SEC. 3.* Section 49069.5 of the Education Code is amended to  
30 read:

31 49069.5. (a) The Legislature finds and declares all of the  
32 following:

33 (1) The mobility of pupils in foster care often disrupts their  
34 educational experience.

35 (2) Efficient transfer procedures and transfer of pupil records  
36 is a critical factor in the swift placement of foster children in  
37 educational settings.

38 (3) Pupils who have had contact with the juvenile justice system  
39 are often denied credit or partial credit earned during enrollment  
40 in juvenile court schools. Delays in school enrollment and loss of

1 earned credit can result in improper class or school placement,  
2 denial of special education services, and school dropout.

3 (b) The proper and timely transfer between schools of pupils in  
4 foster care is the responsibility of both the local educational agency,  
5 including the county office of education for pupils in foster care  
6 who are enrolled in juvenile court schools, and the county placing  
7 agency, which includes the county probation department.

8 (c) As soon as the county placing agency or county office of  
9 education becomes aware of the need to transfer a pupil in foster  
10 care out of his or her current school, the county placing agency or  
11 county office of education shall contact the appropriate person at  
12 the local educational agency of the pupil. The county placing  
13 agency shall notify the local educational agency of the date that  
14 the pupil will be leaving the school and request that the pupil be  
15 transferred out.

16 (d) Upon receiving a transfer request from a county placing  
17 agency or notification of enrollment from the new local educational  
18 agency, the local educational agency receiving the transfer request  
19 or notification shall, within two business days, transfer the pupil  
20 out of school and deliver the educational information and records  
21 of the pupil to the next educational placement.

22 (e) As part of the transfer process described under subdivisions  
23 (c) and (d), the local educational agency shall compile the complete  
24 educational record of the pupil, including a determination of seat  
25 time, full or partial credits earned, current classes and grades,  
26 immunization and other records, and, if applicable, a copy of the  
27 pupil's plan adopted pursuant to Section 504 of the federal  
28 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or individualized  
29 education program adopted pursuant to the federal Individuals  
30 with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

31 (f) The local educational agency shall assign the duties listed  
32 in this section to a person competent to handle the transfer  
33 procedure and who is aware of the specific educational  
34 recordkeeping needs of homeless, foster, and other transient  
35 children who transfer between schools.

36 (g) The local educational agency shall ensure that, if the pupil  
37 in foster care is absent from school due to a decision to change the  
38 placement of a pupil made by a court or placing agency, the grades  
39 and credits of the pupil will be calculated as of the date the pupil



1 left school and no lowering of grades will occur as a result of the  
2 absence of the pupil under these circumstances.

3 (h) The local educational agency shall ensure that, if the pupil  
4 in foster care is absent from school due to a verified court  
5 appearance or related court ordered activity, no lowering of his or  
6 her grades will occur as a result of the absence of the pupil under  
7 these circumstances.

8 (i) (1) A complaint of noncompliance with the requirements of  
9 this section may be filed with the local educational agency under  
10 the Uniform Complaint Procedures set forth in Chapter 5.1  
11 (commencing with Section 4600) of Division 1 of Title 5 of the  
12 California Code of Regulations.

13 (2) A complainant not satisfied with the decision of a local  
14 educational agency may appeal the decision to the department  
15 pursuant to Chapter 5.1 (commencing with Section 4600) of  
16 Division 1 of Title 5 of the California Code of Regulations and  
17 shall receive a written decision regarding the appeal within 60  
18 days of the department's receipt of the appeal.

19 (3) Information regarding the requirements of this section shall  
20 be included in the annual notification distributed to, among others,  
21 pupils, parents or guardians of pupils, employees, and other  
22 interested parties pursuant to Section 4622 of Title 5 of the  
23 California Code of Regulations.

24 (j) For purposes of this section, the following definitions apply:

25 (1) "County placing agency" means a county social services  
26 department or county probation department.

27 (2) "Local educational agency" means a school district, a county  
28 office of education, a charter school participating as a member of  
29 a special education local plan area, or a special education local  
30 plan area.

31 (3) "Pupil in foster care" means a child who has been removed  
32 from his or her home pursuant to Section 309 of the Welfare and  
33 Institutions Code, is the subject of a petition filed under Section  
34 300 or 602 of the Welfare and Institutions Code, or has been  
35 removed from his or her home and is the subject of a petition filed  
36 under Section 300 or 602 of the Welfare and Institutions Code.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 51225.1 of the Education Code is amended to  
39 read:

1     51225.1. (a) Notwithstanding any other law, a school district  
2 shall exempt a pupil in foster care, as defined in Section 51225.2,  
3 or a pupil who is a homeless child or youth, as defined in Section  
4 11434a(2) of Title 42 of the United States Code, who transfers  
5 between schools any time after the completion of the pupil's second  
6 year of high school from all coursework and other requirements  
7 adopted by the governing board of the school district that are in  
8 addition to the statewide coursework requirements specified in  
9 Section 51225.3, unless the school district makes a finding that  
10 the pupil is reasonably able to complete the school district's  
11 graduation requirements in time to graduate from high school by  
12 the end of the pupil's fourth year of high school.

13     (b) If the school district determines that the pupil in foster care,  
14 or the pupil who is a homeless child or youth, is reasonably able  
15 to complete the school district's graduation requirements within  
16 the pupil's fifth year of high school, the school district shall do all  
17 of the following:

18     (1) Inform the pupil of his or her option to remain in school for  
19 a fifth year to complete the school district's graduation  
20 requirements.

21     (2) Inform the pupil, and the person holding the right to make  
22 educational decisions for the pupil, about how remaining in school  
23 for a fifth year to complete the school district's graduation  
24 requirements will affect the pupil's ability to gain admission to a  
25 postsecondary educational institution.

26     (3) Provide information to the pupil about transfer opportunities  
27 available through the California Community Colleges.

28     (4) Permit the pupil to stay in school for a fifth year to complete  
29 the school district's graduation requirements upon agreement with  
30 the pupil, if the pupil is 18 years of age or older, or, if the pupil is  
31 under 18 years of age, upon agreement with the person holding  
32 the right to make educational decisions for the pupil.

33     (c) To determine whether a pupil in foster care, or a pupil who  
34 is a homeless child or youth, is in the third or fourth year of high  
35 school, either the number of credits the pupil has earned to the  
36 date of transfer or the length of the pupil's school enrollment may  
37 be used, whichever will qualify the pupil for the exemption.

38     (d) (1) Within 30 calendar days of the date that a pupil in foster  
39 care who may qualify for the exemption from local graduation  
40 requirements pursuant to this section transfers into a school, the

1 school district shall notify the pupil, the person holding the right  
2 to make educational decisions for the pupil, and the pupil's social  
3 worker or probation officer of the availability of the exemption  
4 and whether the pupil qualifies for an exemption.

5 (2) Within 30 calendar days of the date that a pupil who is a  
6 homeless child or youth may qualify for the exemption from local  
7 graduation requirements pursuant to this section transfers into a  
8 school, the school district shall notify the pupil, the person holding  
9 the right to make educational decisions for the pupil, and the local  
10 educational agency liaison for homeless children and youth  
11 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of  
12 the United States Code, of the availability of the exemption and  
13 whether the pupil qualifies for an exemption.

14 (e) If a pupil in foster care, or a pupil who is a homeless child  
15 or youth, is exempted from local graduation requirements pursuant  
16 to this section and completes the statewide coursework  
17 requirements specified in Section 51225.3 before the end of his or  
18 her fourth year ~~in~~ of high school and that pupil would otherwise  
19 be entitled to remain in attendance at the school, a school or school  
20 district shall not require or request that the pupil graduate before  
21 the end of his or her fourth year of high school.

22 (f) If a pupil in foster care, or a pupil who is a homeless child  
23 or youth, is exempted from local graduation requirements pursuant  
24 to this section, the school district shall notify the pupil and the  
25 person holding the right to make educational decisions for the  
26 pupil how any of the requirements that are waived will affect the  
27 pupil's ability to gain admission to a postsecondary educational  
28 institution and shall provide information about transfer  
29 opportunities available through the California Community  
30 Colleges.

31 (g) A pupil in foster care, or a pupil who is a homeless child or  
32 youth, who is eligible for the exemption from local graduation  
33 requirements pursuant to this section and would otherwise be  
34 entitled to remain in attendance at the school shall not be required  
35 to accept the exemption or be denied enrollment in, or the ability  
36 to complete, courses for which he or she is otherwise eligible,  
37 including courses necessary to attend an institution of higher  
38 education, regardless of whether those courses are required for  
39 statewide graduation requirements.

1 (h) If a pupil in foster care, or a pupil who is a homeless child  
2 or youth, is not exempted from local graduation requirements or  
3 has previously declined the exemption pursuant to this section, a  
4 school district shall exempt the pupil at any time if an exemption  
5 is requested by the pupil and the pupil qualifies for the exemption.

6 (i) If a pupil in foster care, or a pupil who is a homeless child  
7 or youth, is exempted from local graduation requirements pursuant  
8 to this section, a school district shall not revoke the exemption.

9 (j) If a pupil in foster care is exempted from local graduation  
10 requirements pursuant to this section, the exemption shall continue  
11 to apply after the termination of the court's jurisdiction over the  
12 pupil while he or she is enrolled in school or if the pupil transfers  
13 to another school or school district.

14 (k) A school district shall not require or request a pupil in foster  
15 care, or a pupil who is a homeless child or youth, to transfer schools  
16 in order to qualify the pupil for an exemption pursuant to this  
17 section.

18 (l) (1) A pupil in foster care, the person holding the right to  
19 make educational decisions for the pupil, the pupil's social worker,  
20 or the pupil's probation officer shall not request a transfer solely  
21 to qualify the pupil for an exemption pursuant to this section.

22 (2) A pupil who is a homeless child or youth, the person holding  
23 the right to make educational decisions for the pupil, or the local  
24 educational agency liaison for homeless children and youth  
25 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of  
26 the United States Code, shall not request a transfer solely to qualify  
27 the pupil for an exemption pursuant to this section.

28 (m) (1) A complaint of noncompliance with the requirements  
29 of this section may be filed with the local educational agency under  
30 the Uniform Complaint Procedures set forth in Chapter 5.1  
31 (commencing with Section 4600) of Division 1 of Title 5 of the  
32 California Code of Regulations.

33 (A) Within 30 days of receiving a complaint of noncompliance  
34 with this section, the local educational agency shall conduct a  
35 complete investigation and prepare a written local educational  
36 agency decision. The investigation and decision shall comply with  
37 the requirements of subdivisions (b) to (d), inclusive, ~~of~~ of, and  
38 paragraphs (1) to (7), inclusive, of subdivision (e) ~~of~~ of, Section  
39 4631 of Title 5 of the California Code of Regulations.

(B) Within five schooldays of receiving a complaint of noncompliance with this section regarding a pupil who is in the final grading period of the fourth year of school after enrollment in high school, the local educational agency shall conduct a complete investigation and prepare a written local educational agency decision. The investigation and decision shall comply with the requirements of subdivisions (b) to (d), inclusive, ~~of of~~, and paragraphs (1) to (7), inclusive, of subdivision (e) ~~of of~~, Section 4631 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(A) If the complainant appeals ~~from~~ a local educational agency decision regarding a complaint of noncompliance with this section for a pupil who is in the final grading period of the fourth year of school after enrollment in high school, the department shall issue a written decision regarding the appeal within 30 days of the department's receipt of the appeal.

(B) For all other appeals from local educational agency decisions related to this section, the department shall issue a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(3) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

~~SEC. 6.~~

*SEC. 5.* Section 51225.2 of the Education Code is amended to read:

51225.2. (a) (1) For purposes of this section, "pupil in foster care" means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

1 (2) For purposes of this section, “pupil who is a homeless child  
2 or youth” means a pupil who meets the definition of “homeless  
3 child or youth” in Section 11434a(2) of Title 42 of the United  
4 States Code.

5 (b) Notwithstanding any other law, a school district and county  
6 office of education shall accept coursework satisfactorily completed  
7 by a pupil in foster care or a pupil who is a homeless child while  
8 attending another public school, a juvenile court school, or a  
9 nonpublic, nonsectarian school or agency even if the pupil did not  
10 complete the entire course and shall issue that pupil full or partial  
11 credit for the coursework completed.

12 (c) The credits accepted pursuant to subdivision (b) shall be  
13 applied to the same or equivalent course, if applicable, as the  
14 coursework completed in the prior public school, juvenile court  
15 school, or nonpublic, nonsectarian school or agency.

16 (d) A school district or county office of education shall not  
17 require a pupil in foster care or a pupil who is a homeless child or  
18 youth to retake a course if the pupil has satisfactorily completed  
19 the entire course in a public school, a juvenile court school, or a  
20 nonpublic, nonsectarian school or agency. If the pupil did not  
21 complete the entire course, the school district or county office of  
22 education shall not require the pupil to retake the portion of the  
23 course the pupil completed unless the school district or county  
24 office of education, in consultation with the holder of educational  
25 rights for the pupil, finds that the pupil is reasonably able to  
26 complete the requirements in time to graduate from high school.  
27 When partial credit is awarded in a particular course, the pupil in  
28 foster care or the pupil who is a homeless child or youth shall be  
29 enrolled in the same or equivalent course, if applicable, so that the  
30 pupil may continue and complete the entire course.

31 (e) A pupil in foster care or a pupil who is a homeless child or  
32 youth shall not be prevented from retaking or taking a course to  
33 meet the eligibility requirements for admission to the California  
34 State University or the University of California.

35 (f) (1) A complaint of noncompliance with the requirements  
36 of this section may be filed with the local educational agency under  
37 the Uniform Complaint Procedures set forth in Chapter 5.1  
38 (commencing with Section 4600) of Division 1 of Title 5 of the  
39 California Code of Regulations.

1 (2) A complainant not satisfied with the decision of a local  
2 educational agency may appeal the decision to the department  
3 pursuant to Chapter 5.1 (commencing with Section 4600) of  
4 Division 1 of Title 5 of the California Code of Regulations and  
5 shall receive a written decision regarding the appeal within 60  
6 days of the department's receipt of the appeal.

7 (3) Information regarding the requirements of this section shall  
8 be included in the annual notification distributed to, among others,  
9 pupils, parents or guardians of pupils, employees, and other  
10 interested parties pursuant to Section 4622 of Title 5 of the  
11 California Code of Regulations.

12 ~~SEC. 7.~~

13 *SEC. 6.* If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.